

REMARKS

A. Claim Disposition

Claims 1-17 are pending in the application. In response to the Office Action dated July 7, 2008, Applicant respectfully requests reconsideration based on the above amendments and the following remarks.

Support for the above claim amendments is found at least in paragraphs [0010], [0015], and [0016] of the Specification. The claim amendments are to provide clarity for what was believed to already be claimed. No new matter has been added. Applicant respectfully submits that the claims as presented are in condition for allowance.

B. Interview Summary

Applicant first wishes to express sincere appreciation for the time that Examiner Rasha S. AL Aubaidi spent with Applicant's representative, Duane Minley (USPTO Reg. No. 60,098), during a telephone discussion on September 3, 2008, regarding the outstanding Office Action.

The interview was regarding the 35 U.S.C. § 103 (a) rejection of the claims over Fuller et al. During the conversation, Applicant primarily discussed independent claim 1 and the Fuller reference, and the proposed claim amendments previously faxed to Examiner AL Aubaidi. Examiner AL Aubaidi also clarified rejections that were made in the Office Action.

Examiner AL Aubaidi suggested possible areas for additional claim amendments that would help clarify the claimed features. Applicant has prepared amendments to the claims that Applicant believes are consistent with the suggestions made by Examiner AL Aubaidi. Particularly, Applicant herein provides claim amendments which illustrate software features, among other things. Thus, Applicant respectfully requests that Examiner AL Aubaidi carefully consider this response and the amendments.

C. Claim Rejections - 35 USC § 103(a)

Claims 1-17 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Fuller et al., U.S. Patent No. 4,893,335. Applicant respectfully traverses the rejection as set forth below.

Claim 1, as amended, recites:

1. A computer program product, tangibly embodied on a computer readable medium, for making a telephone call connection, the computer program product including instructions for causing a home computer to execute a method comprising:

intercepting an incoming call at the home computer in signal communication with a home telephone being called by a caller, wherein the intercepted incoming call is intended for the home telephone, the home telephone of the caller having an associated sign-up calling plan service billed to a home plan at a home plan rate;

prompting the caller with a first service announcement;

in response to the caller replying to the first service announcement and requesting that an outgoing call be made, prompting the caller to enter a personal identification number;

validating the personal identification number and prompting the caller with a second service announcement;

in response to the caller replying to the second service announcement and entering a long distance or international destination telephone number to be called, invoking an outbound call to the destination number;

in response to the destination number being answered for communication with the caller, causing the outbound call requested by the caller to be billed to the home plan of the home telephone at the home plan rate for the caller; and

in response to the destination number being answered, dropping the home computer off line, thereby enabling the caller to communicate with the destination number via the home plan at the home plan rate.

First, Applicant respectfully submits that Fuller, in view of the interpretations set forth by Office Action, fails to teach or suggest “intercepting an incoming call at the home computer in signal communication with a home telephone being called by a caller, wherein

the intercepted incoming call is intended for the home telephone” as recited in claim 1.

Fuller teaches that “The remote mode allows the owner access to the control system 10 by dialing an appropriate access number...The remote mode also allows different modes to be selected from an external location. The remote mode is accessed by dialing the local station and then dialing the predetermined access number.” (col. 13, lines 12-21)

With regard to the “Money Saver”, Fuller teaches “The “money saver” mode is an offshoot from the remote mode. Basically, the money saver mode allows an individual to place telephone calls from an external location, such as a telephone booth, through the local station. One of the advantages of this mode is the ability to make long distance calls from telephone booths at the direct dial rate rather than the substantially more expensive operator assisted rate required for long distance telephone calls from telephone booths. In the money saver mode, the local station is dialed and the special access number is then entered. The CPU 34 maintains the off hook relay 36 in an energized condition while the calling station dials the desired local or long distance number. The CPU then momentarily deenergizes the off hook relay 36 to simulate a hook flash thereby placing the calling station on hold at the central office. The CPU then dials the desired local or long distance number and once again momentarily deenergizes the off hook relay 36, causing the central office three-way calling service to connect the incoming call to the outgoing call. The caller may terminate this first call by dialing a terminate command. This causes the CPU to again momentarily deenergize off hook relay 36, thereby causing the central office to disconnect the other party. The caller may then dial another number if he wishes, and repeat this process as many times as desired without hanging up. [Emphasis added]” (col 13, lines 26-53)

In Fuller, there is no home computer application (having a set of instructions) that intercepts the incoming phone call. In Fuller, the local station 10 is dialed and the special access number is then entered so that the local station 10 can go through its process of energizing and deenergizing the off hook relay. Although Fuller may respond to a telephone

call, Fuller does not intercept “an incoming call at the home computer...wherein the intercepted incoming call is intended for the home telephone” as recited in claim 1. In the remote mode and/or money saver mode, Fullers teaches that the local station 10 is “accessed by dialing the local station and then dialing the predetermined access number” (col. 13, lines 20-21). The local station 10 requires an initiation using the predetermined access number before the features of the local station 10 are operable. Unlike Fuller, claim 1 intercepts the incoming call with the requirements of the local station 10 in Fuller.

Second, Applicant respectively submits that Fuller, in view of the interpretations set forth by Office Action, fails to teach or suggest “in response to the destination number being answered for communication with the caller, causing the outbound call requested by the caller to be billed to the home plan of the home telephone at the home plan rate for the caller” as recited in claim 1.

As highlighted above, Fuller teaches that the ability to make long distance calls from telephone booths at the direct dial rate rather than the substantially more expensive operator assisted rate required for long distance telephone calls from telephone booths. Applicant submits that Fuller does not teach or suggest that the direct dial rate is the at the home plan rate, as recited in claim 1. There is no disclosure that the direct dial rate in Fuller is the home plan rate of the home telephone. Further, Fuller does not teach or suggest that the direct dial rate is billed to the home plan of the home telephone, as recited in claim 1. Fuller is silent with regard to whether the direct dial rate is billed to the home phone, and it would be pure speculation to assume that the direct dial rate is billed to the home plan.

Third, Applicant submits that Fuller uses the control system 10 (which is a mechanical apparatus) that is required to engage, energize, and deenergize, unlike the home computer recited in claim 1. At times, the mechanical apparatus in Fuller attempts to trick the telephone line into thinking that the telephone is either on the hook or off the hook by energizing or deenergizing. Accordingly, as an example and not limitation, it would require

considerable changes and mechanical upgrades for Fuller to increase the number of telephone lines that it is able to service, unlike the home computer of claim 1.

For at least the foregoing reasons, independent claim 1 is patentable over Fuller (in view of the interpretations set forth by Office Action). For analogous reasons, independent claims 10 and 14 are patentable over Fuller. Therefore, Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claims 1, 10, and 14, along with their respective dependent claims 2-9, 11-13, and 15-17, be withdrawn.

D. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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